

GOVERNMENT OF THE DISTRICT OF COLUMBIA

Department of Health
Office of Adjudication and Hearings
825 North Capitol Street N.E., Suite 5100
Washington D.C. 20002

D.C. ARC, INC. and
SHIRLEY WADE
Petitioners,

v.

DISTRICT OF COLUMBIA
DEPARTMENT OF HEALTH
Respondent

Case No.: C-00-80006

ORDER

Petitioners filed a motion for reconsideration of this administrative court's Order of March 27, 2000, denying them a hearing and declaratory relief, and dismissing their petition. The motion for reconsideration has been denied pursuant to 22 DCMR 3112.7. The Office of Adjudication and Hearings has concluded that the petition lacks merit for the reasons stated in the Order of March 27, 2000. *Hewitt v. Helms*, 482 U.S. 755, 760 (1987) (discussing the non-justiciability of matters that are moot); *Metropolitan Baptist Church v. District of Columbia Dep't of Consumer & Regulatory Affairs*, 718 A.2d 119, 130 (D.C. 1998) (same). *See also*, 42 CFR §431.151(a)(2); 42 CFR §431.153(a) and §431.153(b)(4) (limiting the circumstances under which an ICF/MR has a right to demand an evidentiary hearing to cases in which a state's finding of non-compliance "resulted in the denial, termination, or non-renewal" of a facility's provider agreement).

The Government need not file a memorandum in response to Petitioners' motion for reconsideration in this matter.

Therefore, upon the Petitioners' motion for reconsideration and the entire record in this case, it is hereby, this _____ day of _____, 2000:

ORDERED, that Petitioners' motion for reconsideration of the administrative court's Order of March 27, 2000, is denied.

/s/ **5-8-00**

Paul Klein
Chief Administrative Law Judge